

# Exhibit 4

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY  
AS PRESIDENT OF THE UNITED STATES, et al.,

Defendants.

C.A. No. 1:25-cv-00039

**AFFIRMATION OF SARAH W. RICE**

SARAH W. RICE, an attorney admitted to practice before this Court and admitted to practice before the courts of the State of Rhode Island, does hereby state the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am Sarah W. Rice, Assistant Attorney General in the Office of the Attorney General for the State of Rhode Island, and I appear on behalf of the State of Rhode Island in this action.

2. I submit this declaration in support of Plaintiff States' Renewed Second Motion to Enforce the Court's Orders Pertaining to Freeze of FEMA Funds. The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. On March 18, Colorado received an email from FEMA staff, stating that FEMA would "[e]ffective immediately" implement "an additional review process of allocations before releasing funds for all grants." A true and correct copy of the March 18 FEMA email is attached as Exhibit A.

4. On March 19, several Plaintiff States, including Colorado and Rhode Island, received an email from FEMA, announcing that FEMA was “instituting additional reviews on all grant payments and obligations to ensure allowability in accordance with 2 C.F.R. § 200.305.” In its email, FEMA also asserted that it may deny a request for reimbursement “[i]f an adequate response is not received,” to its informational demands, in which case the State “may need to submit a new reimbursement request; this will re-start the 30-day timeline.” A true and correct copy of the March 19 FEMA email is attached as Exhibit B.

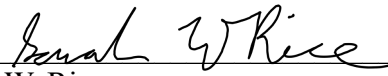
5. Arizona has not received reimbursement for more than thirty days on a grant first mentioned in the State’s Second Motion to Enforce, ECF No. 160-1, ¶ 5. Arizona has additional reimbursement requests that have been pending for more than thirty days in five other grant programs.

6. Illinois has not received reimbursement on any of the grants first mentioned in the State’s Second Motion to Enforce, ECF No. 160-1, ¶ 11. It has been more than thirty days since these funds were available to Illinois.

7. Rhode Island’s FEMA grants have similarly been unavailable for more than thirty days, including the 2022 State and Local Cybersecurity Grant Program (EMW-2022-CY-00004), 2023 State and Local Cybersecurity Grant Program (EMW-2023-CY-00049), 2022 Emergency Operations Center Grant Program (EMN-2022-EO-00001), 2023 Emergency Operations Center Grant Program (EMB-2023-EO-00001), 2022 Homeland Security Grant Program (EMW-2022-SS-00007), 2023 Homeland Security Grant Program (EMW-2023-SS-00020), 2022 Nonprofit Security Grant Program (EMW-2022-UA-00001), 2023 Nonprofit Security Grant Program (EMW-2023-UA-00021), 2022 Emergency Management Performance Grant (EMB-2022-EP-00001), and 2023 Emergency Management Performance Grant (EMB-2023-EP-00001).

I declare under penalty of perjury under the laws of the State of Rhode Island and the  
United States of America that the foregoing is true and correct.

Dated: March 24, 2025

By: 

Sarah W. Rice

Rhode Island Office of the Attorney General  
State of Rhode Island

# Exhibit A

**Leonard Giarrano**

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**From:** [REDACTED]@fema.dhs.gov>  
**Sent:** Tuesday, March 18, 2025 5:32 PM  
**To:** [REDACTED] - CDPS,  
**Cc:** [REDACTED]  
**Subject:** RE: Colorado ARPA projects

Hi [REDACTED],

FEMA is taking swift action to ensure the alignment of its grant programs with Secretary Noem's direction. In accordance with this direction, FEMA, and the Department of Homeland Security (DHS) are instituting additional reviews on the allowability of costs for all grant payments and obligations, as permitted by 2 C.F.R Part 200, where applicable.

Effective immediately, FEMA and DHS are implementing an additional review process of allocations before releasing funds for all grants. These actions will ensure that funding is obligated and disbursed in line with the Secretary's direction so that we can continue to support and prioritize communities and disaster survivors who rely on FEMA for assistance.

If additional information becomes available, I will be happy to share it with you.

Thank you,

[REDACTED]  
COVID Section Chief | Recovery Division | FEMA Region 8  
Mobile: [REDACTED]  
[REDACTED]@fema.dhs.gov

Federal Emergency Management Agency  
[fema.gov](https://www.fema.gov)

---

**From:** [REDACTED]@fema.dhs.gov>  
**Sent:** Friday, March 14, 2025 12:05 PM  
**To:** [REDACTED] CDPS,  
[REDACTED]  
**Cc:** [REDACTED]  
[REDACTED]  
**Subject:** RE: Colorado ARPA projects

Hi [REDACTED],

We haven't talked in a long time. I hope you are doing well.

[REDACTED] and [REDACTED] are out of the office today. The 2/28/2025 email message from FEMA Grant Programs Directorate indicated due to the additional review payment requests may take up to 30 days to process depending on the size and scope of the submission. I am not aware of a funding hold but only the request to include the additional information when submitted payment requests. I understand your frustration in provided the additional

information however I believe the request from Grants Program Directorate is an effort to streamline the payment requests.

■ or ■ may be able to provide additional information when they return to the office next week.

Have a great weekend!

■  
Emergency Management Specialist | Recovery Division | Region 8  
Mobile: ■  
■@fema.dhs.gov

Federal Emergency Management Agency  
fema.gov

---

From: ■ CDPS, ■@state.co.us>

Sent: Friday, March 14, 2025 11:41 AM

To: ■@fema.dhs.gov ■

Cc: ■

Subject: Re: Colorado ARPA projects

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please select the Phish Alert Report button on the top right of your screen to report this email if it is unsolicited or suspicious in nature.

Dear ■,

I am writing to follow up on my previous email regarding the Colorado projects. I would appreciate clarification on whether our drawdowns are currently being processed or if they are on hold. We have not received a reimbursement for any Public Assistance projects since 2/19/2025.

As I noted in my earlier message, the information requested by the new guidance from the Grants Program Directorate is already accessible to FEMA. So a hold doesn't make sense, if there is one.

Thank you for your time and attention to this matter.

Sincerely,

■ | Director, Office of Grants Management



OFFICE OF GRANTS MANAGEMENT (OGM)  
■ Mobile

8000 S. Chester Street, Suite 575 Centennial, CO 80112  
[REDACTED] | [www.dhsem.state.co.us](http://www.dhsem.state.co.us)  
[www.readycolorado.com](http://www.readycolorado.com) | [www.coemergency.com](http://www.coemergency.com)  
Twitter: @COEmergency | @READYColorado  
Facebook: COEmergency | READYColorado

On Thu, Mar 6, 2025 at 12:06 PM [REDACTED] CDPS, [REDACTED] wrote:

Hi [REDACTED],

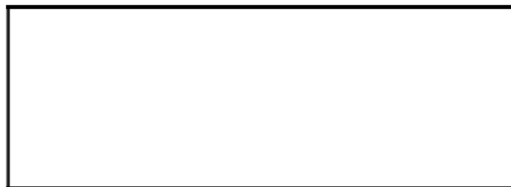
Thank you for reaching out to us and I want to let you know that we appreciate that things are changing quickly and we are all trying to do the best we can. Unsurprisingly, I'm confused. On Friday, February 28, we received two different communications; one from the Recovery Division and one through the Grants Program Directorate. The key difference between the two is that the one from the Recovery Division just mentioned the additional time for review and specifically did not request any additional information. As you say, the one from the Grants Program Directorate asks for redundant information (the four bullet points). I, perhaps mistakenly, thought that that meant we would not get questions about the four bullet points from any Recovery Division grants. Can you help me understand this discrepancy?

Additionally, as I'm sure you know, you already have the information related to the four bullet points.

- Are there any subrecipients: As you know we draw down by PW that specifically lists the subrecipient, if there is one.
- How much is going to a subrecipient: Again, you already know this based on the PW
- What activities will be funded: Again, this is already listed in the PW
- What is the time period covered by the request: There is already a period of performance in the PW

Again, I know we're all trying to do our best on this but I also have to object when the requests don't make sense and increase the administrative burden on the State.

[REDACTED] | Director, Office of Grants Management



OFFICE OF GRANTS MANAGEMENT (OGM)

[REDACTED] Mobile  
8000 S. Chester Street, Suite 575 Centennial, CO 80112  
[REDACTED] | [www.dhsem.state.co.us](http://www.dhsem.state.co.us)  
[www.readycolorado.com](http://www.readycolorado.com) | [www.coemergency.com](http://www.coemergency.com)  
Twitter: @COEmergency | @READYColorado  
Facebook: COEmergency | READYColorado

On Thu, Mar 6, 2025 at 10:18 AM [REDACTED] CDPS, [REDACTED] wrote:



Are you familiar with this? [REDACTED] states that we need four bullet points for the manual review.

Thanks,

[REDACTED]

[REDACTED], Recovery Grants Manager



Office of Grants Management (OGM)

[REDACTED] Mobile

8000 S. Chester Street, Suite 575 Centennial, CO 80112

[REDACTED] | [DHSEM.Colorado.gov](https://DHSEM.Colorado.gov)

[COEmergency.com](https://COEmergency.com) | [MARS.Colorado.gov](https://MARS.Colorado.gov) | [COBEOC.Colorado.gov](https://COBEOC.Colorado.gov)

Twitter: [@COEmergency](https://twitter.com/COEmergency) | Facebook: [COEmergency](https://www.facebook.com/COEmergency)

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----- Forwarded message -----

From: [REDACTED] [@fema.dhs.gov](mailto:[REDACTED]@fema.dhs.gov)>

Date: Thu, Mar 6, 2025 at 10:09 AM

Subject: Colorado ARPA projects

To: [REDACTED] [@state.co.us](mailto:[REDACTED]@state.co.us) [REDACTED]

[REDACTED]

Cc: [REDACTED]

Hello all,

I am attaching a file with a list of projects that have ARPA funding braided into the fund codes. You can see in column AF and AG the drawdown data that we have as of Feb 18<sup>th</sup>, when this report was generated. I highlighted the three big ticket projects we discussed in today's meeting.

Don't forget to refer to the new guidance provided by the FEMA Grant Programs Directorate and include the four bullet points required with each drawdown for the manual review.

I appreciate that a lot is changing and information is coming from all angles. Thank you for being patient as we figure out this shifting landscape!

Take care,

[REDACTED]

---

[REDACTED]

Emergency Management Specialist | Recovery Division | Region 8

Mobile: [REDACTED]

Email: [REDACTED]

Federal Emergency Management Agency

[fema.gov](https://www.fema.gov)



**FEMA**

# Exhibit B

**Leonard Giarrano**

**From:** FEMA (Federal Emergency Management Agency) [REDACTED]@service.govdelivery.com>  
**Sent:** Wednesday, March 19, 2025 6:51 PM  
**To:** [REDACTED] (EMA)  
**Subject:** Instructions to Grant Recipients Pursuing Payments in FEMA GO and ND Grants/PARS

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## Instructions to Grant Recipients Pursuing Payments in FEMA GO and ND Grants/PARS

FEMA and the Department of Homeland Security (DHS) are instituting additional reviews on all grant payments and obligations to ensure allowability in accordance with 2 C.F.R. § 200.305. As noted in the February 28, 2025, *Message to Grant Recipients on Manual Review Process*, the Federal Emergency Management Agency (FEMA) is taking swift action to ensure the alignment of its grant programs with Secretary of Homeland Security Kristie Noem's direction.

These measures will ensure funds are disbursed appropriately while continuing to support and prioritize communities and disaster survivors who rely on FEMA for assistance. Once a recipient submits a payment request, FEMA will review the request. If FEMA approves a payment, it will process the payment through the respective non-disaster grant systems and inform recipients accordingly for drawdown purposes. If FEMA disapproves a payment, FEMA will inform the recipient.

### Processing and Payment Timeline:

FEMA must comply with regulations governing payments to grant recipients. See 2 C.F.R. § 200.305. For grant recipients other than States, 2 C.F.R. § 200.305(b)(3) stipulates that FEMA is to make payments on a reimbursement basis within 30 days after receipt of the payment request, unless FEMA reasonably believes the request to be improper. For state recipients, 2 C.F.R. § 200.305(a) instructs that federal grant payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements ("Treasury-State

agreement") and default procedures codified at 31 C.F.R. part 205 and Treasury Financial Manual (TFM) 4A-2000, "Overall Disbursing Rules for All Federal Agencies." See 2 C.F.R. § 200.305(a).

Treasury-State agreements generally apply to "major federal assistance programs" that are governed by 31 C.F.R. part 205, subpart A and are identified in the Treasury-State agreement. 31 C.F.R. §§ 205.2, 205.6. Where a federal assistance (grant) program is not governed by subpart A, payment and funds transfers from FEMA to the state are subject to 31 C.F.R. part 205, subpart B. Subpart B requires FEMA to "limit a funds transfer to a state to the minimum amounts needed by the state and must time the disbursement to be in accord with the actual, immediate cash requirements of the state in carrying out a federal assistance program or project. The timing and amount of funds transfers must be as close as is administratively feasible to a state's actual cash outlay for direct program costs and the proportionate share of any allowable indirect costs." 31 C.F.R. § 205.33(a). Nothing in 31 C.F.R. part 205, subpart B or the Treasury Financial Manual (TFM) 4A-2000 prohibits FEMA's manual review process. Nearly all FEMA grants are not "major federal assistance programs." As a result, payments to states for those grants are subject to the "default" rules of 31 C.F.R. part 205, subpart B.

If additional information is needed, a request for information will be issued by FEMA to the recipient; recipients are strongly encouraged to respond to any additional FEMA request for information inquiries within three business days. If an adequate response is not received, the request may be denied, and the entity may need to submit a new reimbursement request; this will re-start the 30-day timeline.

#### **Submission Process**

All non-disaster grant program reimbursement requests must be reviewed and approved by FEMA prior to drawdowns.

For all non-disaster reimbursement requests (regardless of system), please ensure submittal of the following information:

1. Grant ID / Award Number
2. Total amount requested for drawdown
3. Purpose of drawdown and timeframe covered (must be within the award performance period)
4. Non-Governmental Organizations (NGOs) Funding Details (if applicable).
  - Is funding provided directly or indirectly to an NGO?
    - If **no**, include statement "This grant funding is not being directed to NGOs."
  - If **yes**, provide the following details:
    1. The name, mission statement, and purpose of each NGO receiving funds, along with the amount allocated and the specific role or activity being reimbursed.
    2. Whether the NGO's work or mission involves supporting aliens, regardless of whether FEMA funds support such activities.
    3. Whether the payment request includes an activity involving support to aliens?
5. Supporting documentation to demonstrate that expenses are allowable, allocable, reasonable, and necessary under 2 CFR Part 200 and in compliance with the

grant's Notice of Funding Opportunity (NOFO), award terms, and applicable federal regulations.

In some cases, additional supporting documentation may be required (if not already stipulated in the NOFO and/or award Terms and Conditions). Additional documentation could include:

- Invoices
- Purchase Orders – Supporting documentation for procured goods/services
- Evidence that the Indirect Cost Rate Agreement is current (if applicable)

If required, additional documentation would be submitted through the respective grants system (ND Grants or FEMA GO). Please coordinate with your FEMA program officer for more guidance.

For non-disaster grant programs, FEMA uses two different systems; each system requires different processes. More recent grant awards are managed (including payments) through the FEMA Grants Outcomes (FEMA GO) system. Older/legacy awards are managed in the Non-disaster Grants (ND Grants) System; ND Grants payments are facilitated through the separate Payment and Reporting System (PARS).

### **FEMA GO**

#### **FEMA GO Steps to Submit Payment Requests for active grant awards – Authorized Organizational Representative (AOR) User Role**

The following guide provides instructions for FEMA GO external users to log-in, navigate the system, complete a request for payment, and view the request or FEMA decision. Once the grantee submits the payment request in FEMA GO it will contain the amount requested. The payment is then reviewed and approved/denied/returned by FEMA. If payment is approved, it is sent to the financial processing system to be processed by Treasury. Once processed, FEMA GO will notify the grantee of the final decision via email through the FEMA GO system and a copy of the email will be saved in the Grant File in the FEMA GO System. If FEMA disapproves a payment, FEMA will inform recipient. Please use the guide to submit the required information as noted under "Submission Process" above.

- [FEMA GO Request for Payment Guide \[links-2.govdelivery.com\]](https://links-2.govdelivery.com)

For assistance, please contact the FEMA GO Help Desk, Monday-Friday | 9 a.m. – 6 p.m. E.T. | 1-877-585-3242 | [FEMAGO@fema.dhs.gov](mailto:FEMAGO@fema.dhs.gov)

### **ND Grants/PARS**

#### **Steps to Submit Payment Requests**

Historically, grant recipients whose awards were located in ND Grants visit PARS to draw down for reimbursement. Given the manual review process underway, **grant recipients must now submit a narrative amendment first in ND Grants**. FEMA will review the narrative amendment and communicate approval status back to the recipient. If approved, the recipient will be instructed to draw down their approved monetary amount from PARS. If FEMA disapproves a payment, FEMA will inform recipient.

The following guide – [ND Grants Creating Narrative Only Amendment \[links-2.govdelivery.com\]](#) - provides instructions for grant recipients to submit payment requests via a narrative amendment approach in ND Grants.

For system assistance, please contact the ND Grants Service Desk. For programmatic or grants management questions, please contact your Program Manager or Grants Specialist, Monday – Friday, 9 a.m. – 6 p.m. E.T. at 1-800-865-4076 or by email at [NDGrants@fema.dhs.gov](mailto:NDGrants@fema.dhs.gov).

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